

### **REMARKS/ARGUMENTS**

This preliminary amendment is submitted with a request for continued examination. Claims 1-50 are pending. In the Office Action, the Examiner rejects Claims 1-6, 9-11, 18-23, 24-26, 29, 33, 36-41, 44, 45, and 47-50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,671,355 to Spielman et al. ("Spielman"). Claims 7, 12, 27-28, 30, 32, 35, and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman in view of U.S. Pat. App. Pub. No. 2006/0017983 to Syri et al. ("Syri"). Claims 14 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman in view of U.S. Pat. App. Pub. No. 2004/0153523 to Albal ("Albal"). Claims 13 and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman in view of U.S. Pat. App. Pub. No. 2006/0007932 to Simyon et al. ("Simyon"). Claims 13 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman in view of Syri and further in view of Simyon. Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman in view of Syri and further in view of Simyon and further in view of Albal.

Applicants appreciate the Examiner and the supervisory Examiner granting the telephonic interview of June 3, 2008. During the interview, Applicants' explained that Spielman does not teach or suggest independent Claims 1, 10, 22, 29, 36, and 45 in that Spielman does not relate to the receipt and routing of generic-recipient messages as claimed by independent Claims 1, 10, 22, 29, 36, and 45 and instead teaches determining a means of receipt for a message directed to a designated subscriber based upon subscriber preferences. In this regard, Spielman relates to receipt and distribution of "generic notification messages" (Col. 4, line 63 of Spielman) which have a designated recipient, i.e. a subscriber, but not a defined method of notification, i.e. delivery. Accordingly, Spielman teaches determining a subscriber notification preference for delivery of the generic notification message to the designated subscriber. These methods of delivery include a specified e-mail address, specified cellular telephone number, and a specified cellular telephone identifier for SMS messages. *See*, e.g. Col 6, lines 35-40 of Spielman. The Examiners agreed with the discussed distinctions between generic-recipient messages and the generic notification messages of Spielman. However, the

Examiners submitted that Spielman still anticipated the independent claims given their broadest interpretation. The Examiners therefore suggested amending the independent Claims to further define generic-recipient messages as being sent to a group or a community as defined in paragraph 3 of the present application in order to overcome the rejection in light of Spielman.

Although Applicants believe the claims to already be patentably distinct from Spielman, Applicants have accordingly amended independent Claims 1, 10, 22, 29, 36, and 45 to further define generic-recipient messages so as to further patentably distinguish Spielman based upon the telephonic interview and in order to expedite the examination process. In light of the amendments and subsequent remarks, Applicants respectfully submit that the amended claims are patentably distinct from the cited references, taken alone or in combination, and are in condition for allowance

The Rejection of Independent Claims 1, 10, 22, 29, 36, and 45 under §102(e) is Overcome

The Examiner finds that Spielman anticipates independent Claims 1, 10, 22, 29, 36, and 45. Independent Claims 1, 22, and 36 are directed to a method, device, and computer program product for determining one or more recipients of a generic-recipient message. For example, a method according to Claim 1 includes receiving a generic-recipient message at a network hub, wherein the generic-recipient message is sent to a group or community. The method additionally includes determining predefined attributes of the message. The method further includes determining one or more recipients for the message based upon the predefined attributes. Claims 22 and 36 include similar recitations. Although not included in Claims 22 and 36, Claim 1 includes the additional recitation of dispatching the message to one or more recipients.

Independent Claims 10, 29, and 45 are directed to a method, device, and computer program product for prioritizing a generic-recipient message. A method according to Claim 10 includes receiving a generic-recipient message, wherein the generic-recipient message is sent to a group or community. The method further includes determining predefined attributes of the message. The method additionally includes determining whether the message has priority based on the

predefined attributes. Claims 29 and 45 include similar recitations and are directed to a device and computer program product, respectively. Although not included in Claims 29 and 45, Claim 10 additionally includes prioritizing the message if a determination is made that the message has priority.

Applicants have amended Independent Claims 1, 10, 22, 29, 36, and 45 to define a generic-recipient message as one that is sent to a group or a community. In this regard, a generic-recipient message may be a person-to-group or person-to-community communication. Accordingly, a generic-recipient message is not sent to specified individual(s). *See, e.g.* paragraph 3 of the present application.

In contrast, Spielman is directed to the receipt and distribution of “generic notification messages” (Col. 4, line 63 of Spielman), which have a designated recipient, i.e. a subscriber, but not a defined method of notification, i.e. delivery. In this regard, Spielman teaches sending notifications, such as a notification of a voice mail message, to a designated subscriber. Accordingly, Spielman teaches accessing subscriber profile information to determine a subscriber-defined protocol for delivery of the notification message to the specific subscriber indicated in the received notification message. *See*, Abstract and Col. 2, lines 55-65 of Spielman.

Applicants submit that Spielman does not teach or suggest receiving a generic-recipient message, wherein the generic-recipient message is sent to a group or community, as recited by independent Claims 1, 10, 22, 29, 36, and 45. As discussed above, a generic-recipient message is one that is not addressed and sent to a specific individual. The Examiner posits that Col. 4, lines 60-66 of Spielman teaches this recitation. However, at most, Spielman teaches receiving a notification message directed to a specified subscriber, i.e., recipient, and then routing that notification message to the designated recipient based on a protocol defined by the recipient. Accordingly, Spielman at most teaches receiving a notification message addressed to a specific recipient but which does not have a specified mode of delivery and subsequently determining the method of delivery based upon the preferences of the specific subscriber which the message is sent to. Therefore, Applicants submit that Spielman does not teach or suggest receiving a generic-recipient message, wherein the generic-recipient message is sent to a group or community as recited by independent Claims 1, 10, 22, 29, 36, and 45.

With regard to independent Claims 1, 22, and 36, Applicants further submit that Spielman does not teach or suggest determining one or more recipients for the message based upon predefined attributes of the message. As discussed above, Spielman teaches receiving a notification message directed to a specific recipient. Accordingly, in Spielman, there is no need to determine one or more recipients for the message since the message is already specifically directed to the intended recipient. The Examiner submits that Col. 8, lines 64-67 to Co. 9, lines 1-5 of Spielman teaches this recitation. However, this excerpt from Spielman merely teaches parsing a notification delivery message for the designated destination address included in the received notification message. In contrast, Claims 1, 22, and 36 recite determining one or more recipients for a generic-recipient message. As discussed above, a generic-recipient message does not designate any individual recipients.

With regard to independent Claims 10, 29, and 45, Applicants continue to submit that Spielman does not teach or suggest determining whether the message has priority based on the predefined attributes. In this regard, the predefined attributes based upon which it is determined whether a message has priority as recited by Claims 10, 29, and 45 may include, for example, sender, content, or subject of the message. *See, e.g.* paragraph 59 of the present application. Thus, Claims 10, 29, and 45 recite determining whether a received generic-recipient message requires priority in, for example, its dispatch to determined recipients.

The Examiner posits that Col. 6, lines 45-65 teaches determining whether the message has priority based on the predefined attributes. However, in contrast to the priority determination recited in Claims 10, 29, and 45, Spielman teaches “extract[ing] selected portions of notification information from the notification message....[I]tems that may be extracted from the received notification message include:...the priority of the message....” *See*, Col. 6, lines 46-56 of Spielman. Thus, Spielman merely teaches extracting priority information that is included within the received notification message and including that information within a notification message sent to the designated recipient in accordance with the subscriber-designated protocol. Accordingly, Spielman does not teach determining whether the message has priority based upon predefined attributes.

Moreover, Claims 29 and 45 additionally recite comparing the predefined attributes to stored priority information to determine whether the generic-recipient message has priority. In this regard, the predefined attributes may be compared to stored protocol for prioritizing received generic-recipient messages. In contrast, as discussed above, Spielman merely teaches extracting any priority information that may be embedded in the received notification message and adding that to the notification message forwarded according to the subscriber-defined protocol. Thus, there is no comparison of predefined attributes to stored priority information.

Accordingly, Spielman does not teach or suggest independent Claims 1, 10, 22, 29, 36, and 45. Nor do any of the other cited references, taken alone or in combination, teach or suggest the recitations of these claims. Therefore, Applicants submit that independent Claims 1, 10, 22, 29, 36, and 45 are patentably distinct from the cited references and that the rejection of independent Claims 1, 10, 22, 29, 36, and 45 is overcome and the claims are in condition for allowance.

#### The Dependent Claims are Patentably Distinct from the Cited References

Because the dependent claims include each of the recitations of a respective independent claim, Applicants further submit that the dependent claims are patentably distinct from the cited references, taken alone or in combination, for at least the reasons discussed above and are in condition for allowance.

## CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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